May 30, 2013



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CITY OF SAMMAMISH

To: John Curly, John James, Don Gerand, Tom Odell, Nancy Whitten, Tom Vance, Tom Vance, Ramiro Valderrama-Aramayo

Cc: Darci Donovan, Evan Maxim, Kamuron Gurol, Susan Cezar

RE: Proposed Pilot program for development changes in areas labeled as Erosion Hazards

## Dear council member,

It is our understanding that you will be voting this week on an issue that has a complicated title – "Erosion Hazard Near Sensitive Water Body standards." The reality is it has a very simple meaning – basically if you are in the drainage basin and have steep slopes anywhere on your property then you can't subdivide.

Take our property for instance – over two acres (91,000sqft) with a small section that is considered to be in a steep slope in an erosion zone. This small area is affecting the entire parcel because the city code essentially reads that if you have any part of your property is in the erosion zone you can't subdivide. Yet any home to be constructed would be set a very safe distance back from this area. Aka – if your lot was already divided you could build right up to the buffer area…but larger lots can't be developed.

This is an overly burdensome and unreasonable restriction. So we ask that you review and approve the pilot program Low Impact Development approach (LID). Then the properties can be evaluated, those that are buildable will be treated as such.

This Pilot program will put logical thinking into the process rather than arbitrarily restricting lots. I won't overstate this – currently if you have a lot where less than 5% of the lot has this critical area designation your hands are tied – you can't develop.

Allow us to draw a corollary - imagine if this type of restriction were on wetlands. The code would read if you have a wetland on your property you can't divide it period, no exceptions regardless of how small the wetland may be. Probably 50% of the shortplats from the last five years wouldn't be subdivideable. It would seem overly burdensome and unreasonable — and likely illegally restrictive (developers would likely sue). We would argue that the same holds true with the current sensitive area overlay. There are better ways to slow growth, ways that don't overly burden home owners with properties in the drainage basin.

We appreciate your time, and sincerely hope you approve the pilot program. Evan is already familiar with our site, we have already invested quite a bit of money into the site, and we really think it is the reasonable choice.

We have attached a quick commentary from our engineer which sheds more light on the subject from a technical standpoint...but the last point we'd like to make is these restrictions are almost exclusive to Sammamish. Other municipalities have programs to address these issues.

Regards,

Loren and Sheila Fiske

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(Residents since 1999)

## Engineer's Note:

The main reason that the lot cannot be subdivided is because of the sensitive area overlay on the property. The erosion/landslide hazard has to do with the fact that it is at the top of other properties with unstable slopes with poor soils. The City does not want to add additional runoff up there that could cause a slide. It is technically a very valid concern, but the best way to handle it is to not allow direct discharge of any runoff (i.e. don't allow the flow control exemption for the site because it is under 10,000 SF). Rather, they should have us match the existing flow from the site up to and including the predeveloped 100 yr storm rate. This will result in the development of some kind of detention system but it will mitigate for the impact of the new and existing home and not change the hydrology of the area in a way that will increase the likelihood of a downstream slide or cause an erosion problem. In fact, the development would mitigate the impact and increased runoff from the existing home which would be a public benefit rather than leaving it as it is where all storm water is just dumped out on the slopes. That would be a much more reasonable way to address the issue without arbitrarily stopping the development of a property.